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Microsoft

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To: <u>Richemond Dorvil</u>	From: <u>Jim Banowsky</u>
Company: <u>USPTO, Art Unit 2626</u>	Bldg/Room: <u>21/1066</u>
CC:	Phone Number: <u>425/705-3539</u>
Phone Number:	Date & Time Sent: <u>5-11-06</u>
Fax Number: <u>571/273-8300</u>	No. of Pages: <u>4</u>


☐ Urgent ☐ For Review ☐ Please Comment/Reply

Message...

RE: 10/715,765AUTHORIZATION for Email Communications

Pursuant to MPEP section 502.03, the undersigned attorney
for Applicant authorizes Richemond Dorvil

to communicate with him via email to the address shown below.


JAMES R. BANOWSKY
Reg No. 37,773
jimban@microsoft.com

CONFIDENTIALITY STATEMENT: The information in this facsimile message is legally privileged and confidential information intended only for the use of the addressee listed on this cover sheet. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this telecopy is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone at the number listed on this cover sheet and return the original message to us at the above address via the United States Postal Service. We will reimburse any costs you incur in notifying us and returning the message to us. Thank you.

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Application Serial No.: 10/715,765
Filing Date: November 18, 2003
Inventors: Sinclair II, Robt.
Applicant: Microsoft Corporation
Group Art Unit: 2626
Examiner: Pierre, Myriam
Confirmation No.: 5254
Applicant's Docket No.: 304557.01
Title: ADAPTIVE COMPUTING ENVIRONMENT

SUPERVISOR EXAMINER INTERVIEW AGENDA, MAY 16, 2006, 2p - 230p EDT

Location: Office of Supervisory Examiner Richemond Dorvil, USPTO

Dear Examiner Dorvil:

Pursuant to my telephone message I left on your voicemail, I anticipate coming by your office on the date indicated above for a personal interview regarding the referenced matter.

Generally, I would just like to go over the form of the Office Action dated 04/06/2006. There are several errors that should be addressed before Applicant files a response thereto.

First, it appears that the Office Action Summary Page is the same as the Office Action Summary Page from the previous office action. In particular, it indicates that it is responsive to the communication filed 18 November 2003.

Also, it indicates that claims 1-44 are rejected. However, several claims were rejected in the previous response and now only claims 1-3, 5-9, 11, 24-26, 32 and 37 are pending.

Furthermore, the action was made final even though it includes a new ground of rejection. Applicant points out that the only amendments made in the previous response were to include subject matter in dependent claims in newly amended independent claims. No new matter or language was added. Therefore, the new

grounds of rejection were not necessitated by the previous amendments and the finality of the rejection should be withdrawn.

In addition to the apparently proper (in form) section 103 rejections of the currently pending claims, there is a Section 102 rejection that is identical to the 102 rejection in the previous Office Action, even though it is applied to now-canceled claims. There is also another Section 103 rejection that is identical to the 103 rejection in the previous Office Action. This rejection also refers to canceled claims. In addition, it results in claim 32 being rejected under two different Section 103 rejections.

Applicant contacted the Examiner regarding this matter through Peter Taylor who works for me. Mr. Taylor said that the Examiner simply told him to file a response to the current Office Action.


Applicant requests that a new Office Action be issued as a non-final Office Action that addresses only the currently pending claims.

I will bring the documents to which I refer with me when I stop by your office next week. Thank you for your time and consideration of this matter. I will appreciate anything you can do to expedite prosecution of this matter.

One final note - our in-house group is starting a plan where we hope to have an attorney from our team in DC and at the USPTO for two weeks of every month - typically, the final two weeks of a month. We hope to do this until we can establish a small office in the area in the near future. I will be making several of these trips and would like to meet as many Examiners as I can while I am there. So I look forward to meeting with you next week.

If you wish to reach me to discuss this agenda, I may be reached at (425)705-3539 during regular business hours, PDT. I look forward to meeting you next week.

Best Regards,


James R. Banowsky
Microsoft Corporation
Reg. No. 37,773

5-11-2006
Date